

11 October 1978

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MEMORANDUM FOR:

[REDACTED]
Office of the Deputy Director
for Collection Tasking

FROM:

[REDACTED]
Executive Secretary, DCI Security Committee

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SUBJECT: Need-to-Know

1. You requested assistance in structuring an aid or guide for command level use in arriving at a definition of Need-to-Know. Your proposal was that we work together on this. Here is my contribution. It derives from a personal perception of what, over the years, has appeared to be acceptable justifications in presentations of claims of Need-to-Know. It is my personal view that Need-to-Know is an unescapable concomitant of the function of command. Accordingly, the approval or disapproval of a request for access to controlled intelligence should continue to rest with those elements most closely associated with and knowledgeable of any potential threat inherent in release of controlled intelligence which the request may represent.

2. The following "justifications" are submitted in ranked order from the strongest statement or condition for Need-to-Know to the weakest. There is also included a list of situations or conditions that would not satisfy reasonable application of the basic premise that extra sensitive intelligence requires extraordinary protection, including significant constraints on its dissemination.

3. Need-to-Know requests have been considered duly documented if access is:

a. Indispensable - These requests specifically denote that access cannot be denied if the process of collection or production is to continue.

Examples:

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Need-to-Know is an essential element in the upper reaches of the government and administration. The President, Vice President, the Cabinet, the White House Staff (at the pleasure of the President), the Special Assistant for National Security Affairs, (at his pleasure, members of the National Security Council), the Office of Management and Budget, the Staff of Congressional Committees with oversight or appropriation responsibilities (elected officials are not subject to clearance or Need-to-Know procedures), the members of the National Foreign Intelligence Board (and their personal staff as designated), the NFIB Executive Secretariat, the Director of Central Intelligence and members of his staff and immediate office (as he cares to select them) all have an indispensable Need-to-Know.

b. Essential and Vital - These requests specifically denote that some action by its nature permits the intelligence collection or production process to continue.

Examples:

(1). The chain of command associated with the manufacture of the means of collection such as the Director of the NRO, his staff, Project Directors, their staff and implementing personnel, and contractors have essential and vital Need-to-Know within the limits of their mission and functions.

(2). Personnel tasked with the operation of the means of collection have a defacto Need-to-Know about these means, but not necessarily to the information collected by them, except as that information bears upon evaluation of the performance of the technical means.

(3). Personnel tasked with determination of the targeting of technical means of collecting intelligence have an essential and vital Need-to-Know both the capabilities and limitations of the means and the degree of success in their use against selected or determined targets.

(4). The processors of raw product such as the cryptographer and photointerpreter and their management structure have been considered essential and vital and hence have a justified Need-to-Know and need for access to raw product and to information about the capabilities and limitations of the technical means of collection as that information impinges on their mission and function.

(5). Personnel tasked to process the material provided by the front line cryptographer and photointerpreter into intelligence publications have been considered to have justified Need-to-Know. Analysts engaged in current research, compilation, comparisons, projections, and current intelligence reporting have been viewed as holding essential and vital Need-to-Know requirements.

4. The above categories of Need-to-Know speak to the dimensions of need that must be met before desired finished intelligence becomes available. Thus access is a prerequisite specifying a prior condition without which nothing follows. The Need-to-Know is essentially imposed by the nature of the effort itself. Historically, difficulties in arriving at justified Need-to-Know do not arise in the categories presented above as indispensable, essential or vital. Rather they arise in connection with dissemination of intelligence documents and material whose distribution is restricted through hold down caveats typified by compartmentation markings.

5. A previous effort to resolve dissemination and other problems associated with defining Need-to-Know resulted in the establishment of a billet system. In this procedure recognition was allowed to the claim that certain positions in a Table of Organization required a flow of cavedated intelligence to complement other needs of the duties and function associated with the position. "Need-to-Know" did not address the incumbent's requirements; rather, it was tied to the tasking placed on the position itself. Such an arrangement depends upon a considerable amount of stability within the organization. Over the years, "needs" required by the position may have been replaced by "convention" and the billet system no longer appears as a viable method of determining Need-to-Know. However, as a command decision, the "billet" process continues.

6. Need-to-Know requests have been accepted and continue to be found justified for access by large segments of the intelligence population as class actions. While many members of the population group could be considered to have essential and vital access requirements, others are lumped together under some common denominator.

a. Examples:

(1). The entire population of NSA is required to have access to SI. The justification for Need-to-Know for access to SI is the fact of employment at NSA.

(2). The entire population of NFAC is assumed to have a justified need to know for access to SI and TK by virtue of employment in this element.

(3). The population of NPIC enjoys the same blanket justified Need-to-Know for access to TK.

(4). Entire analytic elements in the CIA, DIA and military services are considered to require access to SI and TK material and the Need-to-Know is again a blanket affair.

7. These requirements specify "needs" closely associated with attainment of a given goal or satisfaction of a given task. The need is thus imposed by external requirements rather than inner compulsion.

8. Some definitions of Need-to-Know accepted at the present defy security rationale and deny serious consideration to the basic premises that extra tight security controls should be exercised over extra sensitive material. Among these are:

- o The decision to treat compartmented material with controls that are less than provided to collateral material, e.g. TOP SECRET.
- o The decision to provide compartmented intelligence to the libraries of the senior command schools, e.g. Army War College at Carlyle, Pennsylvania.

- o The decision to provide compartmented intelligence to military reservists or weekend duty or annual 2 weeks active duty tour.

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- o The decision to grant access approvals to compartmented material so as to allow unescorted access to compartmented work areas of service personnel such as typewriter repair men, telephone repair men, vendors.
- o The decision to provide access approvals because of a need to disseminate publications which incidentally contain compartmented intelligence.
- o The granting of access approvals because of rank or seniority.
- o The granting of access approvals on a nice-to-have-if-necessary-to-go-to-meetings basis.
- o The granting of access approvals because of proximity to or intermingling of work areas.
- o The granting of access approvals to all ADP personnel "in-the-event-of-a-spill."
- o The granting of access approvals to predetermined lists of recipients of intelligence products.
- o The granting of access based on historical precedents.

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